



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,765	05/31/2001	Pierre Albou	1948-4752	8824

27123 7590 04/07/2003

MORGAN & FINNEGAN, L.L.P.
345 PARK AVENUE
NEW YORK, NY 10154

EXAMINER

QUASH, ANTHONY G

ART UNIT	PAPER NUMBER
----------	--------------

2881

DATE MAILED: 04/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/870,765

Applicant(s)

ALBOU, PIERRE

Examiner

Anthony Quash

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2881

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Objections

On page 7 line 7 "filter 100" should read as "filter 300". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure, which is not enabling. The applicant has not provide reasoning for using a filter that is transparent to infrared light in the specification as being critical or essential to the practice of the invention; although included in the claim(s), is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2881

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3,5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa [226] in view of Kaplan [043]. As per claim 1, Ishikawa [226] teaches a motor vehicle light unit (10) comprising: a reflector (14) defining two foci (F1, F2) regions; a light source (12) in such a way as to produce a pool of reflected light in the other focal region; and a lens (16) in front of the other focal region for converting the pool of light into a beam and for projecting the beam the beam forward from the light unit (10). Ishikawa [226] also teaches filter (212,213,222,223), and filter-carrying means (8) mounting the filter (212,213,222,223) for moving the filter (212,213,222,223) between a first position out of the path of the light passing from the reflector (14) to the lens (16), and a second position in which a substantial part of the light passes through the filter (212,213,222,223). See Ishikawa [226] abstract, figs. 1-7, column 1, col. 2 lines 52-69, and col. 3 lines 1-40. However, Ishikawa [226] does not specifically state the filter being opaque to visible light and transparent to infrared light. Kaplan [043] does teach the use of filter being opaque to visible light and transparent to infrared light. See Kaplan [043] abstract and col. 6 lines 20-33. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a filter that was opaque to visible light and transparent to infrared light in order to prevent blindness caused by the scattering interaction of visible light with water droplets while providing a beam which aids in the detection of obstacles in front of the vehicle as taught by Kaplan [043]. For addition evidence of this see [DE 3,932,216; FR 2,652,317] which was disclosed in applicants IDS.

As per claim 3, Ishikawa [226] teaches the focal regions being an internal focal region and an external focal region, the light source (12) being located in the internal focal region for producing a pool of light in the external focal region, the filter being located downstream of the external focal region. See Ishikawa [226] abstract, figs. 1-7, column 1, col. 2 lines 52-69, and col. 3 lines 1-40.

As per claim 5, Ishikawa [226] teaches the reflector (14) being disposed in relation to the lens (16) in such a way as to propagate light towards the lens (16) in a stream of light defining an edge, the filter-carrying means (8) being arranged to displace the filter to a position in which a surface of the filter extends along an edge of the stream of light. See Ishikawa [226] abstract, figs. 1-7, column 1, col. 2 lines 52-69, and col. 3 lines 1-40.

As per claim 6, Ishikawa [226] teaches the filter-carrying means consist of means for rotating the filter. See Ishikawa [226] abstract, figs. 1-7, column 1, col. 2 lines 52-69, and col. 3 lines 1-40.

As per claim 7, Ishikawa [226] teaches the filter rotating means (26) including a pivot (23) defining an axis downstream of the second position of the filter with respect to the direction of propagation of the light. See Ishikawa [226] abstract, figs. 1-7, column 1, col. 2 lines 52-69, and col. 3 lines 1-40.

As per claim 8, Ishikawa [226] teaches the second filter position, and an extent of the filter itself, so that they are such that, when the filter is in the second position, with some of the light radiation from the reflector to the lens bypassing the filter. See Ishikawa [226] abstract, figs. 1-7, column 1, col. 2 lines 52-69, and col. 3 lines 1-40.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eichler [147] in view of Kaplan [043]. As per claim 1, Eichler [147] teaches a motor vehicle light unit comprising: a reflector (10) defining two foci (F1, F3) regions; a light source (12) in such a way as to produce a pool of reflected light in the other focal region; and a lens (16) in front of the other focal region for converting the pool of light into a beam and for projecting the beam the beam forward from the light unit (12). Eichler [147] also teaches filter (20,30), and filter-carrying means (36) mounting the filter (20,30) for moving the filter (20,30) between a first position out of the path of the light passing from the reflector (10) to the lens (16), and a second position in which a substantial part of the light passes through the filter (20,30). See Eichler [147] abstract, figs. 1-4, col. 3 lines 15-65, column 4, and col. 5 lines 1-15. However, Eichler [147] does not specifically state the filter being opaque to visible light and transparent to infrared light. Kaplan [043] does teach the use of filter being opaque to visible light and transparent to infrared light. See Kaplan [043] abstract and col. 6 lines 20-33. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a filter that was opaque to visible light and transparent to infrared light in order to prevent blindness caused by the scattering interaction of visible light with water droplets while providing a beam which aids in the detection of obstacles in front of the vehicle as taught by Kaplan [043]. For addition evidence of this see [DE 3,932,216; FR 2,652,317] which was disclosed in applicants IDS.

As per claim 2, Eichler [147] teaches a member carrying the filter and adapted for deformation under the effect of thermal deformations of the filter. See Eichler [147] col. 4 lines 40-50.

As per claim 3, Eichler [147] teaches the focal regions being an internal focal region (F1) and an external focal region (F3), the light source (12) being located in the internal focal region (F1) for producing a pool of light in the external focal region (F3), the filter being located downstream of the external focal region. See Eichler [147] abstract, figs. 1-4, col. 3 lines 15-65, column 4, and col. 5 lines 1-15.

As per claim 4, Eichler [147] teaches the reflector (10) defines a lamp hole, the light source (12) being a lamp placed in the lamp hole whereby to produce a shadow zone corresponding to the optical image of the lamp hole, the filter-carrying means (36) being arranged to displace the filter to a position substantially in the shadow zone. See Eichler [147] abstract, figs. 1-4, col. 3 lines 15-65, column 4, and col. 5 lines 1-15.

As per claim 5, Eichler [147] the reflector (10) being disposed in relation to the lens (16) in such a way as to propagate light towards the lens (16) in a stream of light defining an edge, the filter-carrying means (36) being arranged to displace the filter to a position in which a surface of the filter extends along an edge of the stream of light. See Eichler [147] abstract, figs. 1-4, col. 3 lines 15-65, column 4, and col. 5 lines 1-15.

As per claim 6, Eichler [147] teaches the filter-carrying means (36) consist of means (36,38) for rotating the filter (20,30). See Eichler [147] abstract, figs. 1-4, col. 3 lines 15-65, column 4, and col. 5 lines 1-15.

As per claim 7, Eichler [147] teaches the filter rotating means (36,38) including a pivot (34) defining an axis downstream of the second position of the filter with respect to the direction of propagation of the light. See Eichler [147] abstract, figs. 1-4, col. 3 lines 15-65, column 4, and col. 5 lines 1-15.

As per claim 8, Eichler [147] teaches second filter position, and an extent of the filter itself, so that they are such that, when the filter is in the second position, with some of the light radiation from the reflector to the lens bypassing the filter. See Eichler [147] abstract, figs. 1-4, col. 3 lines 15-65, column 4, and col. 5 lines 1-15.

As per claim 9, Eichler [147] teaches the lens (16) defining zones for disorganizing a light stream, the zones being located in the path of rays passing from the reflector (10) to the lens (16) and bypassing the filter (20,30). See Eichler [147] abstract, and figs. 1-4.

As per claim 10, Eichler [147] teaches the disorganizing zone being defined in annular regions of the lens (16). See Eichler [147] abstract, and figs. 1-4.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent Nos. 6,186,651 to Sayers et al; 5,448,453 to Oshio; and 5,373,424 to Ishikawa are considered pertinent because of their teachings on headlamps containing rotating filters.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Quash whose telephone number is (703)-308-6555. The examiner can normally be reached on M-F from 9 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Lee, can be reached on (703)-308-4116. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-0956.



A. Quash 3/17/03



JOHN R. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800